SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1931

No. 513

THE UNITED STATES OF AMERICA, APPELLANT

vs.

O. B. LIMEHOUSE

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF SOUTH CAROLINA

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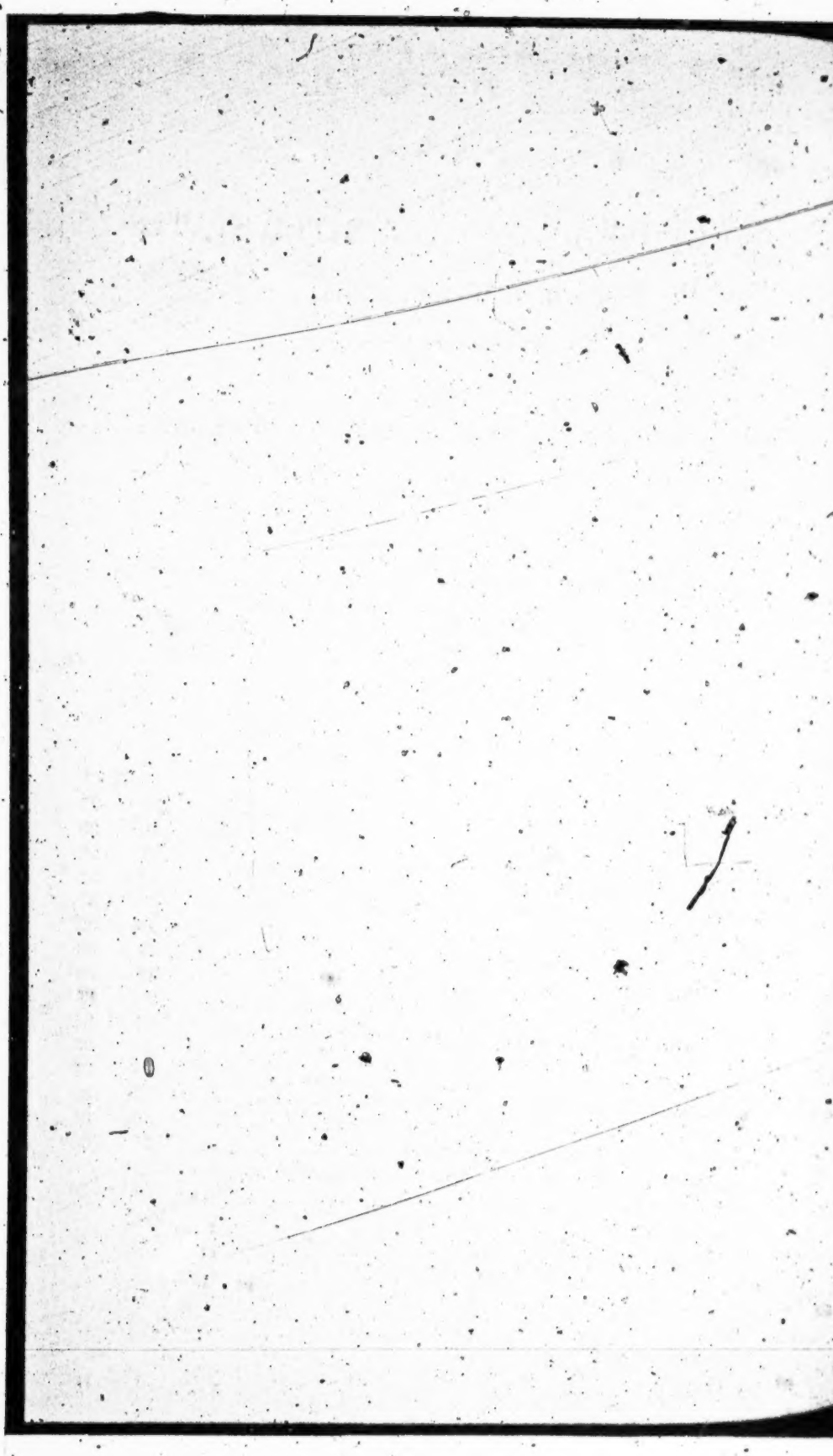

1 [Caption omitted.]

In United States District Court, Eastern District of South Carolina

THE UNITED STATES vs. O. B. LIMEHOUSE, ALIAS BOSSY LIMEHOUSE	Vio. sec. 334, title 18 U. S. C.

Indictment.

Filed Sept. 28, 1931

2 At a stated term of the District Court of the United States for the Eastern District of South Carolina, begun and holden at Aiken, within and for the district aforesaid, on the fourth Monday in September, in the year of our Lord one thousand nine hundred and thirty-one, the grand jurors of the United States of America, within and for the district aforesaid, upon their oaths respectively do present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one A. Waring, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

1st count, title 18, sec. 334, U. S. C.

3 "You dirty drunk son of a Bitch you shot off your mouth about Pointel and you double crossed us on the election. But We found out. Serves us right for trusting a god damn Waring—Never was one But was a traitor and son of a Bitch. Keep your mouth shut aBout

Grooms and this Letter or we'll fix you along with the DRL's., You know We can do it. We know plenty about you. It's common talk in Stallsville that Day uses your ugly greasy wife and we all know your sister married a nigger. Grooms is goeing free. Keep your mouth shut about him and this letter or you'll get yours. I Believe you always were a god damn D. R. L. stool pigeon and son of a Bitch";

contrary to the form of the statute of the United States, in such case made and provided, and against the peace and dignity of the United States.

2d count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Davaun Rhame, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

4

"You DRL son of a Bitch We heard what you said—this is to tell you to keep your mouth shut or you'll get what Pointel got—You are a son of a Bitch and adulterer and your sisters are all Whores—You dare to vote against the men who have the right to run things But We hear all you say from one of our men and We'll fix every DRL son of a Bitch Before We finish.—When you lost Pointel you lost the only man With any guts in your god damn gang of thieves and liars and adulterers—We are goeing to fix your god damn DRL and every son of a Bitch and Whore in it"; contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

3d count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, other-

wise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully, did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston,
5 in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one W. C. Kiser, Harleyville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You half Breed son of a Bitch you stole a good mans job. But you'll never serve your term Because We've just started in on you DRL Bitches and sons of Bitches. We'll show you who runs the county. Grooms is goeing free. We're goeing to have Jessen removed from office and a lot more of you DRL sons of Bitches are goeing like Pointel Went and the men Who have the right to run the county will run it. You son of a Bitch and husband of a slut and whore",

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letters and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which
6 said letter and writing was then and there contained in a certain envelope, addressed and di- 4th count, title 18, sec. 334, U. S. C.

rected to one R. B. Lee, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You D. R. L. K. K. son of a Bitch you stick your half White face in the town and county matters. But you are just a coward and thief and adulterer. The K. K. is a joke and so are you. Since you lost Pointel they's not a man of you Would face us. We all laugh at you and know your greasy Bitch of a Wife Was common to your Catholic friends untill they got tired of her. You can't do anything but talk damn lies aBout Better men than you—But the men who have the right to run Dor. County are comeing back. You stole the election and We can have your dirty DRL sons of Bitches removed and honest men put in. You've Been meddling again aBout Grooms Bail. Well he's goeing free. All the DRL sons of Bitches in Dor. County can't convict him. Keep your god damn mouth shut aBout this letter. We know enough aBout you to fix you you liar and adulterer and son of a Bitch and Coward"; contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

6th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston,
7 in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one J. J. Martin, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You DRL son of a Bitch you and your slut and adulteress Wife meddle the men Who have the right to run the county. You'll Wish you never sat on that jury. When they got Pointel they got the only man With guts in DRL and they'll get the rest of you Before they stop. So What are you goeing to do? You coward and dirty Kluxer and son of A Bitch";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present; That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. Lillian H. Knight, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows: 6th count, title 18, sec. 334, U. S. C.

"You DRL slut and whore you helped your son of a Bitch of a Brother get away from us. But we'll get him yet and you and every other Bitch and son of a Bitch in the DRL. We've just started on you all and we're going to make you catch hell for working against the men Who have the right to run things. Keep your god damn mouth shut about this letter you half Breed adulteress and Bitch and Whore";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester 7th count, title 18, sec. 334, U. S. C.

County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within
9 the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one T. R. Waring, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You lousy Big Bellied DRL son of a Bitch you think you can run the toWn by Writing god damn letters telling people Who to vote for—Every god damn Waring is a coWard and thief traitor son of a Bitch—You just got your Big sow of a daughter married in time—She's Ben seen in the Woods By us lying with B—— and any other son of a Bitch What Would take her";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

8th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly,
10 and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one L. C. Waring, jr., Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known

as "Bossy." Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You D. R. L. son of a Bitch your thieving half White family Beat Miler But the men who have the right to run the county are goeing to run it anyhow and a lot more of you sons of Bitches are goeing like Pointel Went. You sisters are sluts and Bitches for any man Who Wants them and you are a son of a Bitch. When you lost Pointel you lost the only man With guts in the D. R. L. Watch What We do to the rest of you sons of Bitches and Whores";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

9th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited
11 for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Lon Weeks, St. George, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You drunken shyster son of a Bitch, you But into this case But you'll never convict Grooms—If you do he'll be pardoned. Better drop it and keep your god damn lying mouth shut—Pointel Was the only man of you had guts to face us—Lot more of you are goeing like he did and that little Black headed Bitch of his is goeing to get her's Before long—You and Tarkington and Blakely don't go to see her for any honest reason—But all D. R. L's are adulterers and whores—Your Wife is

common to the town and you thief and seducer and son of a Bitch and coward—You can't do anything but talk lies on honest men—If you Bring G—— to trial we'll Burry every DRL Bitch and son of a Bitch in filth where they Belong to be—We've got the power Behind us to do it—You can't prove anything about this letter so keep your mouth shut and get out of that case you dirty thief and adulterer and DRL son of a Bitch ";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

10th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dor-
12 chester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one John Owens (Lincolnville), Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You DRL son of a Bitch and murderer you think you and your son of a Bitch Whelp can run Chas. and Dor. County But the men who have the right are comeing Back to run every DRL son of a Bitch and Bitch to hell Grooms is goeing free This is to tell you to keep your god damn mouth shut and tell that half White son of a Bitch boy of yours that thinks he's a deputy to stop running around trying to mix us honest men in this case or he'll get What Pointel got When you lost him you lost the only one of your god damn crowd that had guts to face a man So keep your god damn lying mouth shut you Bootlegger and murderer and son of a Bitch and Coward ";

contrary to the form of the statute of the United States, in such case made and provided, and against the peace and dignity of the United States.

11th count, title 18, sec. 334, U. S. C.

13 And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope addressed and directed to one W. B. Tarkington, St. George, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You dirty D. R. L. and Republican son of a Bitch—you write about Bullet proof vests and lie on honest men, but you and that Black headed little Bitch of Pointel's are goeing like he Went and all the other god damned D. R. L's, and the ones that have the right to run the county will run it. There aint a man of your god damn K. K. K. D. R. L. has guts to face us since you lost Pointel. If you show this letter We'll show Why you go to see Pointel's and Blakeley's Bitches. You D. R. L. adulterer. We are goeing to run you and your dirty rag out of Dorchester County. We've got the only good paper in the county and the Governor too back of us.

Grooms is goeing free and you know it so stop
14 lying on honest men you D. R. L. liar and coward and adulterer and son of a Bitch";

contrary to the form of the statute of the United States, in such case made and provided, and against the peace and dignity of the United States.

12th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the

jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one D. J. McAlhany, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You DRL son of a Bitch you Better leave those Books alone and stop trying to get honest men in trouble.— We're going to fix every son of a Bitch of you Before we stop. Pointel is just the first. Grooms is goeing free. If you convict him he'll Be pardoned. We have the right to run the county so mind your own damn Business and Watch your fat Bitch of a Wife. She's an adulteress and common to any OBL man Who Wants her But so is every other DRL Bitch. We'll fix every son of a Bitch and Whore of you Befo[illegible] We finish and you can't do a god damn thing about it you adulterer and son of a Bitch";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

13th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one M. M. Blakeley, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the

said letter to be filthy as aforesaid, and which said letter read as follows:

"You son of a Bitch you Went Back on Miler But you'll get yours and so will that Black headed Bitch of Pointel's. She's scared now to ride By herself. Grooms will go free. He did his job. And the men who
16 have the right to run the county will run it again and run every god damn DRL to hell where you Belong. So what are you goeing to do about it. You've lost the only man of your god damn Bunch was not scared to look a real man in the face. Your thieving sons of Bitches of office holders are all goeing to Be removed and honest men put Back. We've just started in to show you DRL sons of Bitches and Whores What We can do. Keep your god damn mouth shut about this letter and stop running around trying to mix innocent men up in that case unless you Want to go to hell";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

14th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present; That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one W. B. Browning, St. George, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing
17 the said letter to be filthy as aforesaid, and which said letter read as follows:

"You murderer and son of a Bitch keep your god damn mouth shut about Better men than you. You stole a good mans job and you stole your poll But you D. R. L. sons of Bitches are goeing to catch hell now. When you lost Pointel you lost the only man had any guts in your god damn K. K. and DRL and youre goeing to catch hell. You and Weeks are just thieves and sons

of Bitches and cowards. You ought to Be in the chair—Your DRL Bitch is common to any OBL man who wants her and so are all other DRL Whores Were goeing to make evry god damn son of a Bitch and adulterer of you Wish to hell youd never fought the men who have the right to run the County and who are coming Back to run it";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

15th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. J. E.
18 Thrower, Ridgeville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You dirty DRL Bitch and adulteress you and that Browning Whore try to run the county But the ones that have the right to run it are coming Back and going to run all your god damn DRL Bitches and son of Bitches to hell where you Belong to be—You've lost the only man in the DRL had guts and youre goeing to catch hell now for fighting the ones that have the right to run the county You are just a Bunch of Liars and thieves and whores and adulterers and cowards";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

16th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand

nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Doctor Tupper, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

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"You son of a Bitch and dirty thief you and your snorty nosed Will thief and son of a Bitch of a nephew Better stop interferring with the men Who have the right to run Dor. County. You are the Biggest liar and adulterer in S'ville. Your K. K. and DRL is a joke and youll Be the next to get yours. Weve just started to show you What We can do. You DRL sons of Bitches What We can do—Well fix every god damn one of you—Grooms will get Bail and he'll go free and all the shyster lawyers here and in Dor. County cant keep him out of his rights";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

17th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. Joe Meyer, Summerville, S. C., and was unsigned, he, the said O. B.

Limehouse, otherwise known as "Bossy" Lime-
20 house, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You DRL adulteress you fought Mller and you fought the men who have the right to run the county. But we are going to run it anyhow and run every DRL Bitch and son of a Bitch to hell. Your Psalm singing son of a Bitch husband stole a good mans job and he'll get his next. Grooms is goeing free. We'll see to that. And a lot more of you DRL Bitches and Whores Will Be like that little Black headed Bitch of Pointel's Before We finish With you";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

18th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Coroner Mallard, Jedberg, S. C., and was unsigned, he, the said O. B. Lime-
21 house, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You god damn DRL son of a Bitch you talked about political funerals Well wer'e goeing to give you plenty of real funerals of DRL sons of Bitches. We've just started in on you the men Who have the right to run the county are comeing Back and are going to Burry every DRL whore and adulteress and son of a Bitch and coward six feet under ground Keep your god damn mouth shut about this letter and about Grooms or you'll Be next. The ones that have the right to run Dor. County are goeing to run it";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twenty-first day of May, in the year of our Lord one thousand nine hundred and twenty-nine, at Charleston, in the county of Charleston, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in a certain post office of the United States, to wit, the post office at Charleston, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. W. B. Browning, Ridgeville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows: 19th count, title 18, sec. 334, U. S. C.

"You DRL Bitch and Whore you and your adulterer and murderer husband think you can run the county. But you'll find out Who has the power. We'll get every Bitch and son of a Bitch of you Before We finish. You'll wish to god you'd never meddled the ones that have the right to run the county. You stole the election from honest men. But you are goeing to catch hell like you deserve you dirty slut and Bitch and adulteress";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth day of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a 20th count, title 18, sec. 334, U. S. C.

certain filthy letter and writing, in an authorized depository of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Lon Weeks, St. George, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

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"Well mister Senator a hell of a lot of good it did you to go up to the governor and lie on good men. He knows who runs Dor. County and who is goeing to keep on running it in spite of all the DRL sons of Bitches and Bitches that stole the election from them. You can hold all the sneaking cowardly meetings you want it will do you a hell of a lot of good. You K. K. sons of Bitches are a flock of cut tail capons and a joke. You and that son of a Bitch of a dutchman Jessen ought to be removed from office and lynched too for calling in federal aid on state matters that only Belong to the gov. But that Will do you a hell of a lot of good. You cant find out whose writing these letters—can you. Well we are tired of writing now and we'll show you what We can do. We are going to send one DRL to hell within the month and you'll never know Who got the son of a Bitch or Bitch. Watch and see";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

21st count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth day of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter; to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. Lon Weeks, St. George, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as

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"Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You dirty DRL Whore and adulteress you are a fit bedfellow for your son of a Bitch husband—You and him are a fine pair to try and run the county—Well tell him We are out to show everybody that he and all the rest of the K. K. DRL Bastards are a god damn failure and We'll make the county too hot to hold them—You can look for hell to begin popping any time now—Your drunken son of a Bitch of a man talked about the Way honest officers carried out the law then he helped Jessen and Poulnot ill treat good innocent men—Well tell him all the god damn detectives and P. O. men Wont help him find out anything and before We get through with you K. K. DRL Bastards you'll Wish to hell you'd never meddled honest men;"

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth day of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. R. B. Lee, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

22d count, title 18, sec. 334, U. S. C.

"You dirty little DRL Bitch you and your K. K. son of a Bitch of a man and your half Breed Brats ought to be run out of town. You try to run the county and you are scum of the earth and lower than the dirtiest nigger in it.—Your man is a coward and a thief—he

23d count, title 18, sec. 334, U. S. C.

dont pay his debts and has Been keeping a Brass ankle Bitch across the tract—If you dont know it you are the only one in Dor. County that dont—We are going to show up you god damn DRL's to the public till you'll Wish to God you'd not cheated decent men out of their jobs—Your man is just a Bastard any way and you and he and your Whelps have no right to the name you use—His parents were not married by the laws of this state—the old families who settled S'ville know all this—they are the ones that have a right to run the town and county and that intend to run it";

Contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

26 And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth day of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one W. B. Tarkington, St. George, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"Well you lying Republican Bastard where are those affidavits you talked so Big about in Columbia. A hell of a lot of help you'll get from Richards he knows damn Well that all the decent men and Women in Dor. county are OBL's and the DRL's are all sons of Bitches and their Whores. We are going to show the Whole state that you god damn DRL's are'nt fit to run the county. You can look to catch hell from now on. We are out to make all the trouble We can for your god damn lying thieving administration. But you'll never know whose doing it Because you hav'nt got as much Brains in your

Whole crowd as one of our men has in his finger. Now
listen you K. K. son of a Bitch and tell all the cow-
27 ardly Bastards Who sneak off to secret meetings you
can look for the Devil to break loose now and you
can look for one DRL funeral Within the month";
contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

24th count, title 18, sec. 334, U. S. C.

And the grand jurors, aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Sheriff Jessen, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You son of a Bitch of a dirty Dutchman you criticize honest men for the way they ran the county and you and that son of a Bitch of a dry well cleaner Poulnot lock up innocent men and try to make them lie on better men than you both. Well you'll get a hell of a lot of good from all your god damn detectives and P. O. Inspectors—
the Gov. laughs at you and We are goeing to make
the State see that you and your god damn DRL
28 sons of Bitches cant hold down Dor. county. You
can look for hell from now on But you'll never find
out Whose Behind it all. You and your son of a Bitch Brother robbed your daddy When he was living. You aint fit for your job and Before We get through you'll be sorrier than hell that you stole it from an honest man";
contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

25th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. Alexander Moore, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You dirty lying DRL Bitch its a damn good thing you got out of S'ville and if you know What is good for you stay out. We've got hold of the list of DRL auxiliary Whores and you are one of them in spite of all your lies to your naybors at West End. Well you cant get away with it you lying double faced
29 Bitch. Every word you and your son of a Bitch husband says is repeated to us. You Better by a damn sight listen to What your Best friends tell you and stick to the party that has the right to rule Dor. County and that is goeing to rule it. Either do that or dont come back";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

26th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in an authorized deposi-

tary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. Joe Barry, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You douBle faced DRL Bitch you think youre smart and fool your naybors but they make a damn fool of you and We hear all you say and do. Well We Write you Because We knoW you Wear the pants in your house to tell you to keep your lying mouth shut aBout your naybors Who are a dam sight better than you are and to make your son of a Bitch of a half nigger Creole husband stop meddling those accounts unless you Want to be a Widow. Maybe you'd like to get rid of the poor rat so you could go off in the Woods with Ank Waring like you used to do. W. Waring is a smart man if he knows Who is the daddy of that kinky headed baby he's got there. But he's just like all other dirty DRL sons of Bitches and dont care. Maybe this Will Warn you to mind your Business and not lie on people that are better than you—you Bitch and adulteress";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

17th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain nonmailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Sheriff Poulnot, Charleston, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the

envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"You god damned interfering son of a Bitch
31 and a privy cleaner, you and that Bastard Will thief Allen Better By a damned sight mind your oWn Business and keep out of Dorchester County unless you want to get What some of those god damn DRL's are going to get before long. You shot off your damned lying mouth about decent men that Were running Dorchester as it should be run, then you and that son of a Bitch dutchman Jessen arrested innocent men without Warrant and tried to make them lie on good honest men. If you have any use for your yaller hide keep out of Dorchester after this—Hell is going to start popping there—and in a damned short time—and you and all your lousy detectives wont Be aBle to prove any more than you can right now";

contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

28th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in an authorized depository of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Mrs. Emily Klauber
(care Weeks and Browning), St. George, S. C.,
32 and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"Emily Klauber your dirty jew slut and DRL Bitch you neednt think you'll get off Without hearing What decent people of Dor. county think of you. You stole a good mans job but We all know What you give Weeks

and Browning in return. Well you dirty whore all the DRL and K. K. sons of Bitches in Dor. county cant stop us telling What We know about the Bitches and sons of Bitches Who stole election and jobs from honest men. And we are telling all over the state What a Bunch of dirty thieves and whores and adulterers you are. Tell that drunk son of a Bitch Weeks that keeps you that he can look for hell to start popping right now";
contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

29th count, title 18, sec. 334, U. S. C.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the twentieth day of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery,

33 certain nonmailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one W. B. Browning, Ridgeville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows:

"Well you cowardly K. K.-DRL son of a Bitch youve found out a hell of a lot about these letters and youll find out a hell of a lot more—Youve had your day you dirty thief—you and your Big half White Bitch are mostly responsible for stealing the election from the only men fit to run the county—Well We'll give you a belly full of running it We are going to show the publick that you god damn DRL sons of Bitches arent fit to hold office and cant even take care of your own people—You K. K. Bastards can hold all the sneaking meetings you Want—theyll do you a hell of a lot of good—You can look for lightening to strike Where you lest expect it—We promise you one god damn DRL funeral within the month—And youll never prove Whose Behind it all.—But We'll prove to the publick that youre just a Bunch

of Bastard sons of Bitches and cant hold the county down";
contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That O. B. Limehouse, otherwise known as "Bossy" Limehouse, late of Dorchester County, in the State of South Carolina, on the 34 twentieth day of June, in the year of our Lord one thousand nine hundred and twenty-nine, at Summerville, in the county of Dorchester, in the said State of South Carolina, in the said district and division, and within the jurisdiction of this court, unlawfully, knowingly, and wilfully did deposit and cause to be deposited, for mailing and delivery, certain non-mailable matter, to wit, a certain filthy letter and writing, in an authorized depositary of the United States for mail matter, namely, a mail box at Summerville, in the county and State aforesaid, which said letter and writing was then and there contained in a certain envelope, addressed and directed to one Miss Edna Jessen, Summerville, S. C., and was unsigned, he, the said O. B. Limehouse, otherwise known as "Bossy" Limehouse, then and there well knowing the envelope to contain the said letter and writing as aforesaid, and well knowing the said letter to be filthy as aforesaid, and which said letter read as follows: 30th count, title 18, sec. 334, U. S. C.

"You dirty DRL Bitch and meddling old maid you and your thieving Brothers are making a hell of a success in running the county after stealing the election They isn't a Woman in your god damn DRL Auxiliary that is decent. You are all of bunch of low Whores and prostitutes and they isn't a dam dirty Bitch of you But is going to Be sorrier than hell she Went in it. You can tell your dirty Bitches and adulteresses. We'll see to that. The County is going to be run By decent White men and not by god damn dirty thieving Dutchmen and K. K. sons of Bitches and you low life DRL Bitches who stole the polls for them can look to get yours right along with them";
contrary to the form of the statute of the United States in such case made and provided, and against the peace and dignity of the United States.

HENRY E. DAVIS,
United States Attorney.

A true bill.
W. C. WILBUR,
Foreman, Grand Jury.

35 In United States District Court

Demurrer

Filed Oct. 10, 1931

And now comes the defendant, O. B. Limehouse, and demurs to the indictment and each and every count thereof in this case on the following grounds, to wit:

That said indictment and no count thereof states any fact or facts constituting an offense committed by him against section 334, title 18, U. S. C., or against any act or acts of Congress in such case made and provided.

JNO. P. GRACE, *Atty. for Deft.*
W. C. WOLFE.

CERTIFICATE

I, John P. Grace, Esq., hereby certify that the foregoing demurrer is in my opinion meritorious.

JNO. P. GRACE,
Member of the Bar of the U. S. District Court for the Eastern District of South Carolina.

OCT. 10, 1931.

36 In United States District Court

Motion to quash

Filed Oct. 10, 1931

UNITED STATES OF AMERICA,
Eastern District of South Carolina,
In the District Court,
Charleston Division.

And now comes the defendant, O. B. Limehouse, and moves to quash the indictment herein, and each and every count thereof, because said indictment and no count thereof states facts constituting any offense against the law, and particularly in violation of section 334, title 18, U. S. C., and that the offense or offenses alleged to have been committed by the defendant do not come within the terms or within the purview of the acts of Congress in such cases made and provided, and particularly section 334, title 18, U. S. C.

JNO. P. GRACE, *Atty. for Dft.*
W. C. WOLFE.

CERTIFICATE

I, John P. Grace, Esq., hereby certify that the foregoing motion to quash is in my opinion meritorious.

JNO. P. GRACE,
Member of the Bar of the U. S. District Court for the Eastern District of South Carolina.

OCT. 10, 1931.

37 In United States District Court for the Eastern District of South Carolina

THE UNITED STATES OF AMERICA

vs.

O. B. LIMEHOUSE

Opinion

Filed Oct. 13, 1931

The defendant stands indicted under U. S. Code, title 18, sec. 334, for sending through the mails certain letters which are set forth in the various counts of the indictment and are alleged to be filthy within the meaning of the statute. The defendant has filed a demurrer and made a motion to quash all the counts of the indictment on the ground that the letters set forth therein show upon their face that they are not within the meaning of the statute. The original statute (R. S., sec. 3893) prohibited the mailing of "every obscene, lewd, or lascivious" book, letter, etc. In the case of Swearingen v. U. S. (161 U. S. 446), the Supreme Court held that the original statute did not cover language which was coarse, vulgar, and, as applied to an individual, libellous; but that the offence aimed at was the use of the mail to circulate or deliver matter which tended to corrupt the morals of the people, and that the words "obscene," "lewd," and "lascivious," as used in the statute, signified that form of immorality which has relation to sexual impurity, and have the same meaning as given them at common law in prosecutions for obscene libels; and, as the statute is highly penal, it should not be held to embrace language unless it is fairly within its letter and spirit. While it is not expressly so stated
38 in the opinion of the court, it is evident that this construction of the statute was reached by restricting the meaning of the word "obscene" under the familiar rule of a sociis, so as to give it a similar meaning to the words "lewd" and "lascivious."

The letters now under consideration are clearly not within the meaning of the original statute as construed in the Swearingen case, and the Government so concedes. The language of the letters is coarse, vulgar, indelicate, and some of it is plainly libellous, and

some possibly indecent, but it does not tend to corrupt the morals of the people in relation to sexual matters.

But the original statute was amended by adding the words "and every filthy," so that the statute now reads "every obscene, lewd, or lascivious and every filthy" book, letter, etc. The contention of the Government is that the addition of the words "and every filthy" imports into the statute a new class of cases which need not relate to sexual matters nor tend to corrupt the morals, and that the letters in question come within the meaning of that word when so construed. The defendant contends that those words add nothing to the statute, but when properly construed in connection with the context, must be held to have the same meaning practically as the word "obscene" and be restricted, as that word was restricted, by the context.

In considering this matter, I think it advisable first to consider the meaning of the two words "obscene" and "filthy," respectively. While they are synonymous, they are not absolutely co-extensive. They cover some common ground, but each covers some ground not covered by the other. Compare the definitions of the two
39 words in the Century and Standard Dictionaries, respectively. The word "obscene" covers some ground not covered by the word "filthy," in that "obscene" sometimes has the meaning ill-omened; but this meaning of "obscene" may be disregarded here, for it has never been contended that it was used in the sense of ill-omened, either in the present statute or the original. The word "filthy" covers some ground not covered by the word "obscene," for "filthy" may refer to the physical, material condition of an article, while "obscene" usually refers to language, ideas, literature, etc. This distinction between the two terms may be also disregarded, because it is perfectly evident that Congress did not by the use of the word "filthy" intend that the statute should cover cases of the physical, material condition of the book or other article. Laying aside, therefore, these two differences, and considering the meaning of the two terms in the connection in which they are used here—that is, with reference to language, ideas, literature, etc., it is perfectly clear to my mind that they are for all practical purposes co-extensive. The word "filthy" in such a connection certainly has no broader signification than the word "obscene." I do not see any escape from the conclusion, therefore, that on the face of the statute the addition of the word "filthy" did not enlarge it. Congress added to the statute a word practically identical with "obscene," placed it in the same connection, concerning the same subject-matter, and if the word "obscene" under the original statute should be restricted because of the context, it is impossible to resist the conclusion that the word "filthy" should be likewise restricted. Upon the face of the statute, therefore, there is no great difficulty in reaching the conclusion that letters, to come within the amended

statute, must be filthy and must refer to sexual matters and be calculated to corrupt the morals of the people.

40 It is said, however, that the proceedings in the House of Representatives, when the statute was amended, show that it was the intention of Congress to enlarge the statute by adding a class which had no reference whatever to sexual matters. The general rule is that debates in Congress are not appropriate, or even reliable, guides to the meaning of an enactment. (U. S. v. St. Paul, etc., Ry. Co., 247 U. S. 310, 318.) But it was also held that the reports of a committee, including the bill as introduced, changes made in the framing of a bill in the course of its passage, and statements made by the committee chairman in charge of it, stand upon a different footing, and may be resorted to under proper qualifications. (U. S. v. St. Paul, etc., supra.) It was also held that the remarks of a member offering an amendment in response to an objection urged by a member were in the nature of a supplementary report of the committee and where they relate to matters of common knowledge, might be taken into consideration, not for the purpose of construing it contrary to its plain terms, but in order to remove any ambiguity by pointing out the subject matter of the amendment. (U. S. v. St. Paul, etc., supra. See also Richburg Motors Co. v. U. S., 281 U. S. 528, 536.) I have read very carefully the proceedings in the House when this amendment was adopted, and I do not think that those proceedings necessitate a change in the construction of the statute. It appears from those proceedings that the amendment to the statute was not proposed by the committee but was made from the floor. The committee made no report upon the proposed amendment. The question was before the House on two occasions. Upon the first occasion (42 Cong. Rec. 995, 999) the report of the committee being before the House with the words "obscene, lewd,

41 and lascivious," a member of the committee offered an amendment by adding the words "vile, filthy, or indecent." This amendment provoked considerable opposition. Some appeared to think that the words enlarged the statute, while others were of a contrary opinion. Some were opposed to the amendment if the words could be construed to enlarge the statute. The chairman of the committee stated that he could not accede to the amendment. On the second occasion, when the matter came up before the House (43 Cong. Rec. 283, 284), the member proposing the amendment "vile, filthy, or indecent" withdrew it and offered as a substitute the words "and every filthy." It is true that the member of the committee who proposed the substituted amendment stated that it was the intention to enlarge the statute, and the chairman of the committee finally agreed to the substitution, but the proceedings show that there was considerable doubt whether the amendment would have any effect or not. The chairman of the committee at first stated positively that it would include matter that was merely vulgar, but finally expressed doubt about that. Moreover, it was pointed out that the courts

might hold that the language of the substituted amendment would not enlarge the statute. In this connection it is to be observed also that the case of People v. Eastman (1907) (188 N. Y. 509, 81 N. E. 459) was adverted to, and it was pointed out that the Supreme Court of New York had held that similar words did not enlarge the meaning of the words "obscene, lewd, and lascivious." But it is unnecessary to advert to further details of the proceedings before the House. It is sufficient to say that when the whole proceedings are read carefully, it will be seen that those proceedings afford no safe guide for the construction of this statute. In addition to this, I do not
42 think that there is such ambiguity in the meaning of the word "filthy" as would warrant the court in considering those proceedings, certainly not, unless they evinced a clearer intention than they do. It is perfectly apparent that Congress hesitated to go to the length of making unmailable matter which is merely coarse, vulgar and indelicate, disgusting, or libellous. Moreover, I think that in a criminal case of this sort, of a highly penal nature, a citizen should not be compelled to resort to proceedings in Congress to determine whether a course of action on his part is or is not prohibited by law, when the statute is fairly clear on its face. As was said by the Supreme Court, while it is not likely that a criminal will carefully consider the text of the law, it is reasonable that a fair warning should be given to the world in language that the common world will understand of what the law intends to do if a certain line is passed; and to make the warning fair, so far as possible, the line should be clear. (McBoyle v. U. S., 283 U. S. 25, 27.)

It is argued, however, that Congress must have meant something by the addition of the words under consideration, and that effect must be given to every word of a statute, if possible. It is true that effect must be given if possible to every word in a statute; but if it is not possible without doing violence to the plain meaning of a word, it should not be done. There are only two possible ways to give effect to the word "filthy" in this connection, different from the word "obscene." It might be held that the word "filthy" covers physical, material filthiness, as well as filthiness in relation to language and ideas. I do not think the context permits this, but even if it did, it would not avail the Government here, for there is no contention that the matter here alleged to be non-mailable was filthy in a physical, material sense. The word "filthy" might conceivably be held to include matter which has no relation to sexual matters but would corrupt the morals of the people in other
43 respects. Here, again, I think the context forbids any such construction. But even if such construction be permissible, it would not avail the Government in this case, because while the letters in question are, as has been stated, coarse, vulgar, indelicate, disgusting, and in some instances libellous, nevertheless I can not perceive that they would have any tendency to corrupt morals. They repel rather than incite.

The defendant has called my attention to the case of Dysart v. U. S. (272 U. S. 655). That decision reaffirms the Swearingen case, but I do not think it decisive of the precise point here, because the word "filthy" was not under consideration in that case. It has some persuasive force, however, because it does show that the Swearingen case is still the law so far as it is applicable.

If Congress had intended to change the law announced in the Swearingen case, it could very easily have used appropriate language, and there would have been no doubt about it. In this connection it may be observed that in the very next section (U. S. Code, title 18, sec. 335), in reference to matter upon postal cards or upon envelopes or outside covers or wrappers, Congress has made it clear that not only matters of an "obscene, lewd, or lascivious" nature are embraced within the statute, but also "libellous, scurrilous, defamatory, and threatening" matter is expressly prohibited. Congress could have made it equally clear under section 334, as they have done under Section 335, if that was the intention.

The radio act of February 23, 1927 (44 Stats. 1172; 47 U. S. C. A., sec. 109), forbids the utterance by means of radio communication of any "obscene, indecent, or profane language." The meaning of these words was considered in a very interesting opinion by
44 the Circuit Court of Appeals for the Ninth Circuit, in the case of Duncan v. U. S. (48 Fed. (2d) 128 (cert. denied June 1, 1931); Adv. Ops. 1930–1931, 876). The court refrained from setting forth in haec verba the highly objectionable language which was the subject of the indictment. The court's summary of the language, however, indicates that it was very similar to the language used in the case at bar, though the latter is probably somewhat more objectionable. The court held that while the language used in that case was vulgar, scurrilous, and indecent in the popular sense of the term, it was not obscene or indecent within the meaning of those terms as universally applied in the administration of the criminal law with reference to the use of obscene and indecent language, and that the test was whether or not the language alleged to be obscene would arouse lewd or lascivious thoughts in the minds of those hearing or reading the publications. The court therefore decided that the language in question was not obscene or indecent under that statute; but that certain portions of the language used were profane within its meaning. While this case is not directly in point, nevertheless it is strongly persuasive of the correctness of the conclusion I have reached in the present case.

The Government has called my attention to three cases construing the amended statute. The first case is that of U. S. v. Dempsey (D. C.) (188 Fed. 450). In that case the court stated in substance that it was of opinion that Congress meant by the additional words to enlarge the statute. The court deemed it its duty to submit the letter to the jury. An examination of the contents of the letter in that case shows that a jury might have thought that it was within

the inhibition of the statute as construed in the Swearingen case.

The next case is Tyomies Publishing Co. v. U. S.
45 (C. C. A. 6th) (211 Fed. 385). In that case the court held that the additional words showed it was the purpose of Congress to enlarge the statute, but there was no discussion of the question, and it appeared also that the meaning of the word "filthy" was restricted to what was morally depraving and debasing. While I am extremely reluctant to render a decision at variance with the decision of a Circuit Court of Appeals, nevertheless it is the decision in another circuit and is not binding upon me, and the defendant has a right that I should exercise my own judgment as to the meaning of the statute. I am convinced that Congress never would have amended this statute if it was thought that it would open the door to the prosecution of all kinds of publications which are merely coarse, libellous, indelicate, or disgusting, and I do not think that I should follow the Tyomies decision against my own firm convictions.

The last case is U. S. v. Davidson (D. C.) (244 Fed. 523). This is a long case, and I will not pause to review it in detail. It is sufficient to say that I have read it carefully, and the whole argument and reasoning of the learned judge would indicate that the amendment did not enlarge the statute, and he appears to have resolved his doubts under the influence of the decision of Tyomies Publishing Co. v. U. S. supra, and also because the matter in question might be deemed by a jury to come under the Swearingen case. At any rate, I am not bound by this decision, and if it holds what the Government contends, I am not in accord with it.

The writer of this opinion knows from long years' experience as a prosecuting officer for the Government that many hundreds of cases similar to this have come up for consideration and have occasioned the Post Office Department and prosecuting officers a great
46 deal of trouble in determining whether they should be prosecuted or not in view of the amendment to the statute. Few of such cases have been prosecuted. It is well, therefore, that the question should be decided; and if I am in error, the Government has a remedy by appeal, and the matter can be settled finally and authoritatively.

I am constrained, therefore, to hold that under a proper construction of this statute, the amending words do not add materially to the statute so as to bring within the inhibition of the law the letters set forth in the various counts of the indictment. I will, however, give the Government a certificate that the indictment is held to be bad solely under my construction of the statute, in order that there may be an appeal if the Government be so advised.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

86496—31——3

47 In United States District Court

[Title omitted.]

Order sustaining demurrer to indictment

Filed October 13, 1931

The defendant in the above-entitled case having filed a demurrer to each and every count of the indictment on the ground that the letters set forth in said counts do not come within the statute as amended; and the court having heard argument thereon and taken the matter under advisement and having reached the conclusion, upon a proper construction of the statute, that the said letters are not filthy within the meaning of the statute as amended, as appears by an opinion in said case filed by the court this day,

It is therefore

Ordered, adjudged, and decreed that the indictment herein found by the grand jury at the regular term at Aiken on September 28, 1931, and each and every count thereof, is adjudged not to state an offence against the United States, and to be insufficient in law; and the demurrer thereto be, and the same is hereby, sustained, and said indictment and each and every count thereof quashed.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

Exception

48 Thereupon the district attorney, upon behalf of the Government, duly excepted to said order and ruling, on the ground that the letters and each and every one of them mentioned in said indictment are filthy within the meaning of the statute as amended; which said exception is duly noted and allowed.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

49 In United States District Court

[Title omitted.]

Order granting motion to quash indictment

Filed October 13, 1931

The defendant in the above-entitled case having made a motion to quash each and every count of the indictment on the ground that the letters set forth in said counts do not come within the statute as

amended; and the court having heard argument thereon and taken the matter under advisement and having reached the conclusion, upon a proper construction of the statute, that the letters are not filthy within the meaning of the statute as amended, as appears by an opinion in said case filed by the court this day,

It is therefore

Ordered, adjudged, and decreed that the said motion to quash said indictment and each and every count thereof be and the same is hereby granted, and each and every count of said indictment be and the same is hereby quashed.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

Exception

Thereupon the district attorney, upon behalf of the Govern-
50 ment, duly excepted to said order and ruling on the ground that the letters and each and every one of them mentioned in said indictment are filthy within the meaning of the statute as amended; which said exception is duly noted and allowed.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

51 In United States District Court

[Title omitted.]

Certificate of presiding judge

Filed October 13, 1931

It is hereby certified that the orders and judgments in the above-entitled case made and entered this day sustaining the demurrer to said indictment and each and every count thereof, and granting the motion to quash the same were based entirely upon a construction of the law and not on any defect in the indictment itself or any count thereof; it being my opinion that the addition of the word "filthy" added by the amendment dated March 4, 1909 (35 Stat. at L., ch. 321, sec. 211, p. 1129) to the words in the original statute (R. S. section 3893) did not materially add to or extend the meaning of the original statute, and that the letters embraced in said indictment do not come within the purview of the statute as amended.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

52 In United States District Court

[Title omitted.]

Bill of exceptions

Filed October 13, 1931

Be it remembered that on the 28th day of September, 1931, at a regular term of the United States District Court for the Eastern District of South Carolina, begun and holden at Aiken, S. C., the grand jury returned an indictment against the defendant, O. B. Limehouse, for violation of section 334, title 18, U. S. Code; and thereupon the defendant in said case appeared and filed a demurrer to each and every count of said indictment, and also made a motion to quash the same; and thereupon the court, having heard the parties, took the matter under advisement; and thereupon on the 13th day of October, 1931, at a regular term of said court begun and holden at Charleston, S. C., the court filed an opinion and an order and decision declaring the said indictment and each and every count thereof insufficient and stating no offence against the United States and quashing the same on the ground that the letters set forth therein were not filthy within the meaning of the statute as amended; to which ruling the district attorney on behalf of the Government then and there duly excepted on the ground that the letters set forth in said indictment were filthy within the meaning of the statute as amended; which exception was then and there duly noted and allowed.

ERNEST F. COCHRAN,
U. S. District Judge.

OCTOBER 13, 1931.

53 In United States District Court

[Title omitted.]

Assignment of errors.

Filed Nov. 4, 1931

Comes now the United States of America, by Henry E. Davis, United States attorney in and for the Eastern District of South Carolina, and in connection with its appeal makes the following assignment of errors:

1. The District Court erred in sustaining the demurrer to the indictment.

2. The District Court erred in granting the motion to quash the indictment.

3. The District Court erred in construing the word "filthy," as used in section 211 of the Criminal Code, as not including within its meaning the letters set forth in the indictment.

Dated October 31, 1931.

THE UNITED STATES OF AMERICA,
By its Attorney,
HENRY E. DAVIS,
United States Attorney.

54 In United States District Court

[Title omitted.]

Petition for appeal

Filed Nov. 4, 1931

Comes now the United States of America, plaintiff in the above-entitled cause, by Henry E. Davis, United States attorney in and for the Eastern District of South Carolina, and conceiving itself aggrieved by the orders entered in this cause on October 13, 1931, sustaining a motion to quash and a demurrer to the indictment and each and every count thereof, prays that an appeal may be allowed from said orders to the Supreme Court of the United States, and in connection with this petition the United States presents herewith its assignment of errors.

Dated October 31, 1931.

UNITED STATES OF AMERICA,
By its Attorney,
HENRY E. DAVIS,
United States Attorney.

Order allowing appeal

Appeal allowed this 4 day of November, 1931.

ERNEST F. COCHRAN,
United States District Judge.

55 [Citation in usual form showing service on Jno. P. Grace, filed Nov. 4, 1931, omitted in printing.]

56 In United States District Court

[Title omitted.]

Stipulation

Filed Nov. 5", 1931

It is hereby stipulated and agreed, by and between the parties to the above entitled cause, that the record on appeal to the United

States Supreme Court in said cause shall consist of the following-described papers, to wit:

Indictment.
Demurrer.
Motion to quash.
Opinion of district judge.
Order sustaining demurrer.
Order granting motion to quash.
Certificate of district judge.
Bill of exceptions.
Assignments of error.
Petition for appeal.
Order allowing appeal.
Citation.

HENRY E. DAVIS,
United States Attorney.
JOHN P. GRACE,
Attorney for O. B. Limehouse, alias Bossy Limehouse.

57 [Clerk's certificate to foregoing transcript omitted in printing.]

58 In the Supreme Court of the United States

Statement of points upon which the appellant relies and designation to print entire record

Filed Nov. 13, 1931

Pursuant to rule 13 of this court appellant specifies the following as the point upon which it intends to rely in the above-entitled cause:

The word "filthy," as used in section 211 of the Criminal Code, includes within its meaning the letters set forth in the indictment.

The entire record as filed should be printed.

THOMAS D. THACHER,
Solicitor General.

NOVEMBER 13, 1931.

[File endorsement omitted.]

[Endorsement on cover:] Enter Attorney General. File No. 36327. E. South Carolina, D. C. U. S. Term No. 513. The United States of America, appellant, vs. O. B. Limehouse. Filed November 11, 1931. File No. 36327.

U. S. GOVERNMENT PRINTING OFFICE: 1931